

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

Zackary Ellis Sanders,

Defendant-Appellant,

v.

United States of America,

Plaintiff-Appellee,

No. 22-4242
(1:20-cr-00143-TSE)

**CONSENT MOTION FOR A FIVE-DAY EXTENSION
OF THE BRIEFING SCHEDULE**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Local Rule 31(c), Appellant Zackary Ellis Sanders respectfully moves for a five-day extension of the briefing schedule. Specifically, Appellant requests that the deadline for his reply brief be extended to Monday, August 22, 2022 (from Wednesday, August 17, 2022) so that he has time to confer with his counsel and participate in his own defense. The Court granted a motion for a one-week extension of the deadline for the opening brief on similar grounds. Dkt. 11. The Court also granted a joint motion requesting a 21-day extension of the government's response deadline and a 10-day extension to the reply deadline. Dkt. 20.

In support of the motion, Appellant states:

1. Appellant's counsel prepared a draft of the reply brief so that it could be filed as scheduled. Counsel sent the draft to Appellant for review on August 11—

nearly one week before the deadline. But counsel has been unable to arrange a call with Appellant to discuss the draft. Personnel at FCI Butner, where Appellant is currently incarcerated, told counsel that, due to staffing shortages, there is “no chance” of a call prior to Wednesday, August 17—the same day that the reply brief is currently due. That would leave insufficient time for Appellant to confer with his counsel and for Appellant to participate in his own defense. Those weighty interests justify Appellant’s request for a short extension to the briefing schedule. The requested extension will safeguard Appellant’s Sixth Amendment rights without unduly delaying the resolution of this appeal.

2. Counsel for the government has advised that the government consents to the requested extension.

3. The requested extension will not prejudice any party.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court grant a five-day extension to the briefing schedule, thereby extending the deadline for the reply brief to August 22, 2022.

Dated: August 15, 2022

Respectfully submitted,

/s/ Lawrence S. Robbins

Lawrence S. Robbins

Brandon L. Arnold

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CERTIFICATE OF COMPLIANCE

In accordance with Fed. R. App. P. 32(g)(1), I certify that this motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2) because this motion contains 313 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016, Times New Roman, 14-point font.

/s/ Brandon L. Arnold
Brandon L. Arnold

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system on August 15, 2022. All participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Brandon L. Arnold
Brandon L. Arnold